

REMARKS

I. Status of Claims

Claims 1, 3, 18, 25, 28, 38, 39, and 43-58 are currently pending. By this amendment, claims 1, 3, 52, 57, and 58 have been amended. Claims 1, 3, 57, and 58 are amended to more specifically define the claims as encompassing compounds of formula (I), and claim 52 is amended to correct an obvious typographical error. Claim 2 has been canceled, and claims 4-17, 19-24, 26, 27, 29-37, 40-42, and 59-69, which were previously withdrawn. Accordingly, the remaining pending claims 1, 3, 18, 25, 28, 38, 39, and 43-58, as amended, are in condition for allowance.

II. Rejections under 35 U.S.C. § 103

Claims 1-3, 18, 25, 28, 38, 39, and 43-58 have been rejected under 35 U.S.C. § 103 as allegedly obvious over U.S. Patent No. 5,482,704 to Sweger et al. ("Sweger"), in view of U.S. Patent No. 6,010,689 to Matsumoto et al. and U.S. Patent No. 5,876,705 to Uchiyama et al. ("Uchiyama"). Claims 1-3, 18, 25, 28, 38, 39, and 43-58 have also been rejected under 35 U.S.C. § 103 as allegedly obvious over U.S. Patent No. 4,954,335 to Janchipraponvej in view of Sweger, Uchiyama, and U.S. Patent No. 6,210,689 to Martino.

The Office, however, has indicated that Applicants' previously submitted remarks and declaration "are persuasive to claimed subject matter wherein the amphoteric starch is those of formula (I), and herein R' is hydrogen or methyl group. The subject matter is allowable because of the unexpected benefits shown in the declaration." Office Action at 5. Applicants have currently amended to the pending claims such that the amphoteric starch is chosen from the compounds of formula (I), wherein R', which

may be identical or different, are each chosen from a hydrogen atom and a methyl group. Therefore, Applicants respectfully submit that the present claims, as amended, are allowable and earnestly solicit withdrawal of rejection by the Office.

III. Conclusion

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1, 3, 18, 25, 28, 38, 39, and 43-58 in condition for allowance. Applicants submit that the proposed amendments of claims 1, 3, 53, 57, and 58 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Finally, Applicants submit that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 30, 2006

By: Erin C. DeCarlo
Erin C. DeCarlo
Reg. No. 51,688